

JASON JAMAL PAYNE, V-26575  
Pelican Bay State Prison  
P.O. BOX 7500  
Crescent City, CA 95531-7500

In Pro se

**FILED**

JUL - 7 2008

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

JASON JAMAL PAYNE,	)	C 07-4712 JSW
Petitioner,	)	PETITIONER'S EX PARTE APPLICATION FOR
	)	ENLARGEMENT OF TIME TO FILE HIS OPPOSITION
v.	)	TO RESPONDENT'S MOTION TO DISMISS.
JOE McGRATH, Warden,	)	
Respondent.	)	
_____	)	

Petitioner, Jason Jamal Payne, acting in pro se, respectfully applies to this court for an Enlargement of Time of 45 days, to and including Monday, August 11, 2008, in which to file his "Opposition To Respondent's Motion To Dismiss."

This application is made for good cause as set forth in the attached declaration of Jason J. Payne:

Dated: June 25, 2008.

Respectfully submitted,

Jason Payne

Jason Jamal Payne

In Pro se

DECLARATION OF JASON JAMAL PAYNE

I, Jason J. Payne, hereby declare as follows;

1. I am the petitioner in the matter now before the court.

2. On September 13, 2007, petitioner filed for writ of habeas corpus in the matter now before the Court.

3. In response to the Court's Order To Show Cause, the Respondent has moved the Court to Dismiss the Habeas Corpus for petitioner's failure to exhaust state remedies, dated June 12, 2008. Pursuant to the Court's same order petitioner would have 15 days to file any opposition to the Respondent's motion to dismiss.

4. Petitioner requires the Enlargement of Time because the prison is currently on Lockdown status due to a rash of racial violence. This lockdown has limited petitioner's access to the prison's law library.

5. Petitioner is unlettered and unlearned in law and must rely on self-help manuals , as well as other inmates versed in law and legal proceedings to assist him. Moreover, petitioner is only allotted one (1) hour to utilize the law library weekly which is not suffice to craft a sufficient response.

6. Based on the aforementioned circumstances petitioner humbly request an Enlargement of Time of 45 days, to and including Monday, August 11, 2008, in which to file his Opposition Motion.

7. Because of his incarceration petitioner was unable to contact the Respondent to determine whether he has any objections to an enlargement of time. This Application is in no way intended to harass the

Respondent, or cause undue delay of the proceedings.

i declare under penalty of perjury and the laws of the state of California and United States of America that the foregoing is true and correct. Executed this 25 day of June 2008, at Crescent City, California.

A handwritten signature in cursive script, reading "Jason Payne", is written over a horizontal line.

Jason Jamal Payne

Declarant